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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,696	09/19/2001	David B. Anderson	CR-1351	9759

7590 06/23/2005

Patent Department
Mitsubishi Electric Research Laboratories, Inc.
201 Broadway
Cambridge, MA 02139

EXAMINER	
PHAN, MAN U	

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/955,696	ANDERSON ET AL.	
	Examiner	Art Unit	
	Man Phan	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 15-17* is/are rejected.

7)☒ Claim(s) *13 and 14* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 September 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *09/19/2001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The application of Anderson et al. for a "Voice-operated two-way asynchronous radio" filed 09/19/2001 has been examined. Claims 1-17 are pending in the application.

Claim Objections

2. Claim 9 is objected to because of the following informalities: On line 1, "the method of claim 8 storing the input...." should read –the method of claim 8 further comprising: storing the input....-- for the purpose of art rejection. Appropriate correction is required.

Claim Rejections - 35 USC ' 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-12, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (US#5,267,323) in view of Nichols (US#5,109,525).

With respect to claims 1, 2 and 17, Kimura (US#5,267,323) and Nichols (US#5,109,525) disclose a novel system and method for voice operated using two way radio for communicating audio messages, according to the essential features of the claims. Kimura (US#5,267,323) discloses in Fig. 5 a functional block diagram illustrated the voice operated remote controller, includes an input device for generating a first acoustic signal. The first microphone M1 serves to input a voice command, and the second microphone M2 serves to pick up ambient sound or noise other than voice commands, around the transmitter 10A. Each of the microphones M1, M2 converts an applied acoustic signal into an electric signal. The speech recognition unit 2 recognizes the voice command based on the electric signal, and produces command data corresponding to the voice command based on the result of recognition, and sends the command data to a transmitting unit 3 (See also Fig. 7; Col. 7, lines 51 plus). Kimura further teaches in Fig. 6 shows the electronic circuit of the transmitter, in which the speech recognition unit 2 (Fig. 5) comprises a speech recognition circuit 15 and a controller 16 which is connected between the speech recognition circuit 15 and the transmitting circuit 17. The talk switch 12,

which is connected to the controller 16, supplies the controller 16 with an operation control signal Sc which enables the transmitter 1 to operate only when a voice command is applied (*determining whether the acoustic signal is a command or output message*)(Col. 8, lines 8 plus). As shown in Fig. 20, the transmitter 10D has, in addition to a speech recognition unit 2 and a transmitting unit 3, a speech storage unit 230 for storing data of voice commands and a speech reproducing unit 231 for reading voice command data from the speech storage unit 230 in response to an external reproduction command signal Si and converting the voice command data into a voice output. In the transmitter 10D, the speech storage unit 230 stores data of voice commands. When an external reproduction command signal Si is applied, the stored voice command data are read from the speech storage unit 230 by the speech reproduction unit 231, and converted into a voice output thereby. Therefore, the transmitter 10D can reproduce a command word corresponding to a desired control command as a voice output (Col. 18, lines 55 plus).

However, Kimura does not disclose expressly the step of sending the first acoustic signal as an output audio message only when a communication channel is available to a transmitter of the radio. In the same field of endeavor, Nichols (US#5,109,525) discloses a two-way radio includes a receiver having a squelch circuit for determining if a communication channel is available. A transmitter is provided for transmitting voice messages on the channel. When the communication channel is available, voice signals are directed from a microphone to the transmitter for transmission. When the communication channel is not available, the voice signals are automatically directed to a digitizer there they are digitized. The digitized voice

signals are stored in a memory for later transmission when the channel becomes available (See Fig. 1; Col. 1, lines 42 plus and Col. 3, lines 35 plus).

Regarding claims 3-7, Kimura further teaches in Fig. 3 schematically diagram illustrated the transmitter 101 of the voice-operated remote control system 100, in which controller 16 produces and applies a remote control instruction signal SR to a transmitting circuit 17, which then energizes an infrared light-emitting diode D1 to transmit a remote control signal RC (a indicator)(Col. 6, lines 47 plus).

Regarding claims 15, 16, Nichols further teaches in Fig. 1 a block diagram illustrated a two-way radio communications, in which a speech synthesizer 36 is connected to the controller for receiving digitized voice signals from controller 24. The output of speech synthesizer 36 is connected to a second input of switch 34. The output of switch 34 supplies the audio input signal to the transmitter 16 (Col. 2, lines 40 plus).

One skilled in the art would have recognized the need for effectively and efficiently communicating audio message using two-way radio, and would have applied Nichols's novel use of the communication channel in two-way radio into Kimura's teaching of a method and apparatus for voice actuated control system for controlling appliances by way of voice commands. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Nichols's two-way radio with voice storage into Kimura's voice operated remote control with the motivation being to provide a method and system for voice operated two way asynchronous radio communication system.

6. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (US#5,267,323) in view of Nichols (US#5,109,525) as applied to the claims above, and further in view of Betros et al. (US#2002/0099795).

With respect to claims 8-12, Kimura (US#5,267,323) and Nichols (US#5,109,525) disclose the claimed limitations discussed in paragraph 5 above. However, these claims differ from the claims above in that the claims require the feature of the message communicating via WAN and Internet networks . In the same field of endeavor, Betros et al. (US#2002/0099795) discloses in Fig. 1 a block diagram illustrated a system on which a process maintaining two-way asynchronous communication executed including servers connected to the WAN and Internet.

One skilled in the art would have recognized the need for effectively and efficiently communicating audio message using two-way radio, and would have applied Betros's novel use of WAN and Internet in two-way communications, and Nichols's communication channel in two-way radio into Kimura's teaching of a method and apparatus for voice actuated control system for controlling appliances by way of voice commands. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Betros's system and method for maintaining two-way asynchronous notification between a client and a web server, and Nichols's two-way radio with voice storage into Kimura's voice operated remote control with the motivation being to provide a method and system for voice operated two way asynchronous radio communication system.

Allowable Subject Matter

7. Claims 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for the indication of allowable subject matter: The closest prior art of record fails to disclose or suggest wherein each logical identification is in a form of a phrase having a predetermined words, the words arranged according to a predetermined grammatical structure for a particular target language; wherein a particular physical identification and an associated particular logical identification map into a plurality of phrase for a plurality of target languages, each target language having particular predetermined words and particular grammatical structure for the particular target language, as specifically recited in the claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Anderson (US#6,865,532) is cited to show the method for recognizing spoken identifiers having predefined grammars.

The Bush et al. (US#2004/0128137) is cited to show the hands free, voice operated remote control transmitter.

The Salazar et al. (US#5,802,467) is cited to show the wireless and wired communications, command, control and sensing system for sound and/or data transmission and

reception.

The King (US#6,532,446) is cited to show server based speech recognitionuser interface for wireless devices.

The Son et al. (US#6,212,408) is cited to show the voice command system and method.

The Metcalf (US#2002/0122541) is cited to show the voice activated interactive multimedia information processing system.

The Nabha et al. (US#2002/0044633) is cited to show the method and system for speech-based publishing employing a telecommunications network.

The Freeland et al. (US#2003/0028380) is cited to show the method and system for scheduling packets for transmission froma wireless communication platform.

The Bloch et al. (US#2001/0043564) is cited to show the speech system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached on Mon - Fri from 6:00 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3988.
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

10. Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-9197.

Mphan

06/16/2005.

MAN U. PHAN
PRIMARY EXAMINER